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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT

THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

JEFFREY MARTINS,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
 IMMIGRATION SERVICES, an agency of the
 United States Department of Homeland Security;
 UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY; ALEJANDRO
 MAYORKAS, in his official capacity as Director
 of United States Citizenship and Immigration
 Services; JANET NAPOLITANO, in her official
 capacity as Secretary of the Department of
 Homeland Security,

Defendants.

) Case No. C 13-00591 LB

)
) **JOINT CASE MANAGEMENT**
) **CONFERENCE STATEMENT AND**
) **JOINT REQUEST FOR CONTINUANCE**
) **OF CONFERENCE;**
) **PROPOSED ORDER**

) Date: October 31, 2013

) Time: 11:00 a.m.

) Courtroom C – 15th Floor

) Hon. Laurel Beeler

) United States Magistrate Judge

DAVIS WRIGHT TREMAINE LLP

Additional Counsel:

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The parties hereby submit the following Joint Case Management Conference Statement and request for continuance.

STATUS AND REQUEST FOR CONTINUANCE

In this lawsuit, Plaintiff has sought (1) the prompt release of the asylum interview records sought by his FOIA requests, (2) a declaratory judgment that Defendants' policy and practice of withholding Asylum Officer notes in response to FOIA requests by asylum applicants or their legal counsel violates the Administrative Procedure Act and FOIA, (3) an injunction enjoining Defendants from continuing to withhold such records in the future on the basis of the "deliberative process" privilege, and (4) attorneys fees.

By order dated July 3, 2013, this Court granted Plaintiff's motion for a preliminary injunction. [Docket No. 28] On July 18, 2013, the parties participated in a settlement conference and agreed on the parameters of a possible settlement. [See Docket Nos. 29-31.] As of October 23, 2013, Defendants are taking issue with Plaintiff's requested attorneys' fees and the parties are in the process of seeking the assistance of the settlement magistrate judge (Chief Magistrate Judge Laporte) to resolve this remaining issue.

The parties believe it would be best to hold a case management conference after at least an initial discussion with the Chief Magistrate Judge has been held. Accordingly, the parties respectfully request that the case management conference currently scheduled for October 31, 2013, be continued until November 18, 2013.

DATED: October 23, 2013.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Thomas R. Burke
THOMAS R. BURKE
Attorneys for Plaintiff JEFFREY
MARTINS

DATED: October 23, 2013.

MELINDA HAAG
UNITED STATES ATTORNEY

By: /s/ Abraham A. Simmons
ABRAHAM A. SIMMONS
Assistant United States Attorney
Attorneys for Federal Defendants

~~PROPOSED~~ ORDER

The Court finds that just cause exists to continue the Case Management Conference until November 18, 2013. The Case Management Conference is reset to November 21, 2013 at 11:00 a.m. A Joint Case Management Statement (with updated information only) due November 14, 2013.

DATED: October 25, 2013



Laurel Beeler
United States Magistrate Judge

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